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Plaintiffs' Lead Counsel

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

IN RE: YAHOO! CUSTOMER DATA  
SECURITY BREACH LITIGATION

CASE NO.: 16-MD-02752-LHK

**SEVENTH JOINT CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

1 Plaintiffs, along with Defendants Yahoo! Inc. (“Yahoo”) and Aabaco Small  
2 Business, LLC (“Aabaco”) (together, “Defendants”), having met and conferred,  
3 hereby provide this Seventh Joint Case Management Statement, pursuant to this  
4 Court’s November 9, 2017 Case Management Order. (ECF No. 158.)

5 **I. DISCOVERY UPDATES**

6 As directed by the Court, (ECF No. 158), the parties provided joint discovery  
7 status reports on Monday, November 13, 2017; Friday, November 17, 2017; and  
8 Tuesday, November 21, 2017. *See* (ECF Nos. 160, 164, 166.) Discovery continues to  
9 progress, as discussed below:

10 **A. 30(b)(6) Deposition**

11 On October 13, 2017, Plaintiffs served Defendants with a deposition notice  
12 pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, seeking testimony  
13 from Defendants on twelve different topics. Defendants presented Sean Zadig for  
14 deposition in response to Plaintiffs’ October 13, 2017 deposition notice. Mr. Zadig  
15 was questioned on November 10, 2017 and November 20, 2017 for a total of  
16 approximately 13 hours, after which the deposition was concluded.

17 **B. Written Discovery**

18 On November 13, 2017, Defendants served their Responses to Plaintiffs’  
19 Second Set of Requests for Production of Documents.

20 On October 30, 2017, Yahoo served its First Set of Interrogatories and First Set  
21 of Requests for Production of Documents. Following written exchanges on  
22 November 14 and November 20, on November 29, as well as telephonic discussions  
23 on November 28, 2017, the parties met and conferred regarding Defendants’  
24 discovery. As a result of those discussions, Defendants agreed to extend Plaintiffs’  
25 response deadline to December 18, 2017. The parties currently disagree on certain  
26 aspects of scope and burden, which will be reflected in Plaintiffs’ objections. The  
27 parties anticipate further meet-and-confer discussions after Plaintiffs have served their  
28 responses and objections.

**C. Document Productions**

To date, Defendants have produced 345,699 documents totaling 1,412,415 pages. After obtaining the list of search terms from Plaintiffs on November 14 and 16, Defendants ran against the database of collected data and documents those search terms which were not in need of modification nor the subject of the meet and confer sessions (as further discussed below). Defendants have already reviewed at least 300,000 additional documents resulting from these hits for relevance and responsiveness. Defendants will continue to produce responsive, non-privileged documents on a rolling basis. The parties will also continue to meet and confer about production related issues.

On November 8, 2017, Plaintiffs inspected and took possession of a copy of the data that ultimately led to Defendants' October 3, 2017 notice to additional user accounts affected by the August 2013 data theft previously disclosed by Defendants on December 14, 2016. Plaintiffs' expert team is reviewing this data.

On November 21, 2017, the parties held a meet and confer to address technical issues related to Defendants' document productions. Specifically, Plaintiffs raised issues pertaining to the availability and functionality of metadata and document links among the documents produced to date, which they believe are relevant to contextual analysis and understanding of those documents. Defendants have explained that the document links to which Plaintiffs refer, Google Docs, do not have this functionality or otherwise permit this. The parties will meet and confer about identifying potential solutions.

**D. Privilege Log**

On November 15, 2017, Plaintiffs identified specific categories of information they contend should be included in any privilege log. On November 16, Defendants responded regarding the categories they contend should be included in the privilege log. Also on November 16, 2017, Defendants produced a privilege log identifying 5,967 documents withheld or redacted as privileged or attorney work product.

1 The parties met and conferred on November 22, 2017 to further discuss the  
2 form and content of Defendants' privilege log. Plaintiffs had sought additional  
3 information to provide greater context as to the individuals identified and the  
4 documents contained on the log to permit a better understanding of the claims of  
5 protection asserted. In light of further communications between the parties,  
6 Defendants have responded that they are willing to provide certain additional  
7 information. The parties anticipate that an agreement regarding the revised log  
8 categories and information will be formalized shortly.

9 **E. Search Terms**

10 On November 14, 2017, Plaintiffs provided Defendants with certain interim  
11 search terms to be applied by Defendants. On November 16, 2017, Plaintiffs provided  
12 Defendants with additional search terms. Defendants have run the metrics on the  
13 numbers of documents containing hits for each term. The parties met and conferred  
14 on November 21, 2017, to discuss possible revisions to Plaintiffs' requested search  
15 terms in light of the hit counts related to some of Plaintiffs proposed terms.

16 Plaintiffs have conferred with their expert and have proposed revisions intended  
17 to address the issues raised by Defendants. The parties expect to further confer with  
18 Defendants between now and December 5, 2017.

19 On November 16, 2017, Plaintiffs filed their search terms with the Court. (ECF  
20 No. 163.) Pursuant to the Court's November 22, 2017 Order, (ECF No. 167),  
21 Plaintiffs refiled the search terms on November 28, 2017 consistent with the Court's  
22 instructions, (ECF No. 170), and the Court granted the relief requested therein on  
23 November 30, 2017, (ECF No. 171).

24 Plaintiffs continue to evaluate whether there is a need to further supplement the  
25 search terms based on their ongoing review of Defendants' document production.

26 **F. Document Collection**

27 Defendants have completed their collection of documents from all custodians  
28 and locations to which the parties agreed. At present, the collection contains at least

1 9.3996 terabytes of information, constituting of more than 51 million documents. The  
2 collection from June 2017 to the present increased the volume by approximately 42  
3 GB. Except as noted above, these 51 million documents have yet to be subject to the  
4 application of search terms, analytics, or technology assisted review, but is inclusive  
5 of all documents that constituted the SEC production. As indicated above, the parties  
6 continue to meet and confer about Plaintiffs' search terms, the metrics collected based  
7 upon their application, Defendants' anticipated proposed modification of the search  
8 terms and deduplication.

9 **G. Future Depositions**

10 On November 29, 2017, Plaintiffs advised Defendants of their intent to take the  
11 depositions of certain key witnesses, including Justin Somaini, Alex Stamos, Ramses  
12 Martinez, and Robert "Bob" Lord during the last two weeks of December and former  
13 Chief Executive Officer Marisa Mayer and former General Counsel Ron Bell during  
14 the month of February. Defendants promptly responded to the request and are  
15 consulting individual counsel for these witnesses and will report back to Plaintiffs  
16 about dates of availability.

17  
18  
19 Dated: December 1, 2017

**MORGAN & MORGAN**

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21 By: /s/ John Yanchunis  
22 John Yanchunis  
23 Plaintiffs' Lead Counsel  
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1 Dated: December 1, 2017

**HUNTON & WILLIAMS LLP**

2  
3 By: /s/ Ann Marie Mortimer  
4 Ann Marie Mortimer  
5 Attorneys for Defendants  
6 Yahoo! Inc. and Aabaco Small  
7 Business, LLC  
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9

10 **ATTESTATION**

11 I hereby attest that each of the other signatories concurs in the filing of this  
12 document.

13  
14 Dated: December 1, 2017

15 By: /s/ Ann Marie Mortimer  
16 Ann Marie Mortimer  
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